

HOUSE BILL 723

M3, L6
HB 536/11 – ENV

2lr0469

By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2012

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2012

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – On-Site Sewage Disposal System and Well Easements**
3 **– Rural Zones**

4 **MC 7–12**

5 FOR the purpose of providing that, with certain exceptions, in Montgomery County an
6 on-site sewage disposal system or well located in a certain rural zone may serve
7 a certain property under certain easements under certain circumstances;
8 establishing certain exceptions; defining a certain term; and generally relating
9 to on-site sewage disposal system and well easements in Montgomery County.

10 BY adding to

11 Article – Environment

12 Section 9–1110

13 Annotated Code of Maryland

14 (2007 Replacement Volume and 2011 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Environment**

18 **9–1110.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) IN THIS SECTION, "RURAL ZONE" MEANS AN AREA OF
2 MONTGOMERY COUNTY DESIGNATED AS A RURAL ZONE, RURAL CLUSTER
3 ZONE, RURAL DENSITY TRANSFER ZONE, RURAL NEIGHBORHOOD CLUSTER
4 ZONE, OR RURAL SERVICE ZONE AS DESCRIBED IN THE MONTGOMERY COUNTY
5 CODE ZONING ORDINANCE.

6 (B) (1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,
7 IN MONTGOMERY COUNTY, AN ON-SITE SEWAGE DISPOSAL SYSTEM OR WELL
8 LOCATED IN A RURAL ZONE MAY ONLY SERVE ONE ADDITIONAL LOT OR PARCEL
9 THAT HAS BEEN SUBDIVIDED FROM A SINGLE PROPERTY ON WHICH THE
10 ON-SITE SEWAGE DISPOSAL SYSTEM OR WELL IS LOCATED UNDER AN ON-SITE
11 SEWAGE DISPOSAL SYSTEM EASEMENT OR WELL EASEMENT, RESPECTIVELY,
12 PROVIDED THAT:

13 (I) THE PROPERTY ON WHICH THE ON-SITE SEWAGE
14 DISPOSAL SYSTEM OR WELL IS LOCATED DOES NOT HAVE AN EXISTING ON-SITE
15 SEWAGE DISPOSAL SYSTEM EASEMENT OR WELL EASEMENT;

16 (II) THE SUBDIVISION OF THE PROPERTY WAS MADE IN
17 ACCORDANCE WITH A STATE OR COUNTY AGRICULTURAL LAND CONSERVATION
18 PROGRAM IF THE PROPERTY IS SUBJECT TO AN AGRICULTURAL LAND
19 CONSERVATION EASEMENT; AND

20 (III) ONLY ONE ON-SITE SEWAGE DISPOSAL SYSTEM
21 EASEMENT MAY SERVE ONLY ONE SUBDIVIDED LOT OR PARCEL.

22 (2) AN EASEMENT FOR AN ON-SITE SEWAGE DISPOSAL SYSTEM
23 OR WELL UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE ~~A LOT TO LOT~~
24 ~~OR PARCEL TO PARCEL EASEMENT SO LONG AS BOTH LOTS OR PARCELS~~
25 ~~ORIGINATE FROM THE SAME PROPERTY~~ GRANTED FROM THE ORIGINAL PARCEL
26 TO A NEW LOT OR PARCEL BEING CREATED AND THE EASEMENT MUST NOT BE
27 GRANTED TO ANY LOT OR PARCEL THAT DID NOT ORIGINATE FROM THE SAME
28 ORIGINAL PARCEL.

29 (C) AN ON-SITE SEWAGE DISPOSAL SYSTEM OR WELL UNDER
30 SUBSECTION (B)(1) OF THIS SECTION MAY NOT:

31 (1) SERVE LAND THAT IS DESIGNATED BY THE STATE OR THE
32 GOVERNING BODY OF MONTGOMERY COUNTY AS A SPECIAL PROTECTION AREA
33 ~~OR GREEN INFRASTRUCTURE; OR~~

34 (2) DECREASE THE LAND AVAILABLE FOR AGRICULTURAL
35 PRODUCTION BY MORE THAN 4,000 SQUARE FEET.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.